

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

NATIONWIDE DAIRY INC.,

Plaintiffs,

-against-

FRESH DAIRY INC., SLAM ZAMANOV and
LAKEVIEW FARMS, LLC,

Defendants.

No. 1:21-cv-03660-AMD-CLP

Hon. Ann M. Donnelly

**ORDER TO SHOW CAUSE WHY
DEFENDANTS SHOULD NOT BE
HELD IN CONTEMPT**

Upon the July 7, 2021 Minute Order granting Plaintiff's motion for a Temporary Restraining Order [DE 7], the Declaration of Eduard Magidov, sworn to on July 20, 2021, the Declaration of Oleg A. Mestechkin, sworn to on July 20, 2021, with attached exhibits, and the Memorandum of Law In Support of Plaintiff's Order to Show Cause to Find Defendants in Contempt, dated July 20, 2021:

IT IS HEREBY ORDERED, that Slam Zamanov and Fresh Dairy Inc. ("Defendants") show cause before this Court, at Courtroom 4G, United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, on _____, 2021, at 10:00 a.m., or as soon thereafter as counsel may be heard, why an order should not be entered finding Defendants in contempt of Court and granting the following relief against Defendants, including:

- (i) Ordering Defendants to destroy all goods using or displaying U.S. Trademark No. 4,198,589 (the "'589 Mark") and U.S. Trademark No. 6,236,837 (the "'837 Mark") (collectively, "Plaintiff's Marks") or confusingly similar imitation thereof, and all labels, signs, prints, packages, wrappers, receptacles, and advertisements bearing Plaintiff's Marks, or confusingly similar imitation thereof;
- (ii) Awarding Plaintiff damages in an amount equal to Defendants' profits for its sales of goods using or displaying Plaintiff's Marks, or confusingly similar imitation thereof, and ordering Defendants to produce to Plaintiff all records sufficient to show Defendants' sales, revenues and profits for goods using or displaying Plaintiff's Marks, or confusingly similar imitation thereof;

- (iii) Awarding Plaintiff its attorneys' fees and costs in bringing this motion;
- (iv) Assessing daily fines of \$2000 per day until Defendants certify in writing, under oath, with this Court, their compliance with the mandates of the TRO; and
- (v) Granting such other and further relief that this Court deems just and proper in order to deter Defendants from further willful violations of this Court's Order; and

IT IS FURTHER ORDERED that a copy of this motion, together with the papers upon which it is based, be served by electronic e-mail service on Defendants' attorney of record and an affidavit of service be filed with the Court on this Court's electronic filing system on or before _____2021 and that this be deemed sufficient service; and

IT IS FURTHER ORDERED that Defendants shall file and serve any and all papers in opposition to the within motion on this Court's electronic filing system no later than _____ 2021; and

IT IS FURTHER ORDERED that Plaintiff shall file and serve any and all reply papers in support of the within motion by electronic e-mail service on Defendants' attorney of record on or before _____2021.

Dated: Brooklyn, New York

_____, 2021

SO ORDERED

Hon. Ann M. Donnelly
United States District Judge